

access control signals in a first mode to provide access to the first bank,
still further wherein the memory controller drives the access control
signals in a second mode to provide access to the second bank.

A3
Concl.

36. [New] The system of claim 35, wherein the memory type of the second bank is interchangeable.

Sub 37
BB

[New] A system, comprising:

a memory controller; and

a memory, wherein the memory comprises:

a first bank and a second bank, wherein the first bank and the second bank are each independently interchangeably of a memory type selected from the group consisting of a first type of memory and a second type of memory, further wherein the memory controller controls access of the first bank and second bank in accordance with a first set of requirements for the first type of memory and a second set of requirements for the second type of memory.

REMARKS

Applicant notes that U.S. Patent No. 5,610,864 has been used as a primary reference in support of rejection under 35 U.S.C. § 103(a) in related case U.S. Application Serial No. 09/139924. Applicant further notes that the present case claims priority to U.S. Patent No. 5,610,864. Accordingly, U.S. Patent No. 5,610,864 cannot be used in support of rejection except as provided by 35 U.S.C. § 102(e).

As provided in Pub. Law 106-113, enacted November 29, 1999, a reference qualifying only under 35 U.S.C. § 102(e) cannot be used in support of a rejection under 35 U.S.C. § 103 where the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See, 35 U.S.C. § 103(c). Applicant asserts that the subject matter of U.S. Patent

No. 5,610,864 and the present case were either owned by the same person or subject to an obligation of assignment to the same person at the time the invention was made. Accordingly, Applicant suggests that U.S. Patent No. 5,610,864 cannot be used in support of rejection of the present claims under 35 U.S.C. § 103(a).

Proposed Amendment to the Drawings

Applicant has amended Figure 9 to include a power up detection circuit 134 and a power supply 136. Applicant respectfully submits that support for the amendment is found, by way of example and without limitation, in claim 3 as originally filed. Applicant further notes that the proposed amendment to Figure 9 was previously submitted in an Amendment and Response in U.S. Application Serial No. 09/139,924, and was approved by Examiner Hong Kim in Paper No. 10 of that case. Applicant respectfully submits that the proposed amendment does not constitute new matter.

Amendment to the Specification

Applicant has amended the Specification to incorporate subject matter of original claim 3 into the body of the Specification. In establishing a disclosure, an applicant may rely not only on the description and drawings as filed but also on the original claims if their content justifies it. See MPEP § 608.01(I). Original claim 3 recited in part, "a power supply; and a power up detection circuit coupled to said microprocessor and to said power supply, said power up detection circuit responsive to a signal from said power supply to cause said microprocessor to access said nonvolatile memory device to receive information enabling said microprocessor to detect the type of memory device and to program the memory controller in accordance with the type of memory device said memory is comprised of." Applicant respectfully submits that reliance on the content of original claim 3 for incorporation into the body of the Specification is justified, and that such incorporation does not constitute new matter. Applicant notes that the proposed amendment to the Specification was previously submitted in an Amendment and Response in U.S. Application Serial No. 09/139,924, and was not objected to by Examiner Hong Kim in Paper No. 10 of that case.

CONCLUSION

Applicant presents claims 26-37 for examination on the merits. The Examiner is invited to telephone Applicant's attorney 612-371-2103 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.10:

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